

Attorneys for Plaintiffs Martha Zepeda Olivares, individually and on behalf of the Estate of Maximiliano Sosa, Jr. and Maximiliano Sosa, Sr.

MARTHA ZEPEDA OLIVARES,)	CASE NO.
individually and on behalf of the ESTATE OF)		
MAXIMILIANO SOSA, JR.;)	[PROPOSED] ORDER RE:
MAXIMILIANO SOSA, SR.,)	PLAINTIFF'S EMERGENCY EX
)	PORTE APPLICATION FOR ORDER
)	ALLOWING PRIVATE AUTOPSY
Plaintiffs,)	PRIOR TO EMBALMING OR
)	FUNERAL
v.)	
)	
)	
CITY OF FRESNO; UNKNOWN LAW)	
ENFORCEMENT OFFICERS, and DOES 1-)	
30)	
)	
Defendants.)	

This matter is before the Court on the emergency ex parte application of the plaintiffs Martha Zepeda Olivares, individually and on behalf of the Estate of Maximiliano Sosa, Jr. and Maximiliano Sosa, Sr., for an order permitting them to do a private autopsy prior to decedent's corpse being embalmed and prior to his funeral being held.

Upon reviewing the ex parte application, the Court agrees that emergency *ex parte* relief is necessary, and the Court further finds good cause to grant the application.

Specifically, the Court orders as follows:

1. Absent the lodging of any timely and meritorious objection, plaintiffs are authorized to perform a private autopsy on the decedent's corpse prior to any embalming and prior to any funeral being held. Wallen Funeral Home and Ms. Sosa are not to take

1 any steps to embalm the decedent or conduct funeral proceedings that would precede
2 the private autopsy or otherwise be inconsistent with this Order.

- 3 2. Plaintiffs will be responsible for arranging and bearing the costs of round trip
4 transportation for the private autopsy, as well as any other costs related to the private
5 autopsy itself.
- 6 3. Plaintiffs shall also promptly inform the Court, as well as Wallen Funeral Home and
7 Ms. Sosa, of the identity of the pathologist(s) performing the autopsy as soon as a
8 retention decision is made, and also of the intended date(s) on which the decedent's
9 corpse will have to be away from Wallin Funeral Home in connection with said
10 autopsy. The time allotted for completion of the autopsy, from pick up to return of
11 the decedent's corpse, shall not exceed 72 hours.
- 12 4. Copies of this order shall be immediately, no later than the close of business today,
13 be served on Wallin Funeral Home, located at 1524 9th Street, Sanger, CA 93657,
14 (559) 875-6555, and Ms. Maria Sosa, the decedent's spouse. Given the urgency
15 involved, service may be effectuated in the most expedient manner possible, either
16 personal, electronic, or via facsimile.
- 17 5. Plaintiffs shall file proofs of service of this Order with the Court the next business
18 day after service is made.
- 19 6. Wallin Funeral Home and Ms. Sosa will have five (5) court days from receipt of this
20 Order to lodge any objections, also serving copies thereof on plaintiffs and the other
21 party.

22 IT IS SO ORDERED.

23 Dated:

24
25 _____
United States District Judge